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ATTORNEY DOCKET NUMBER: 2002850-0024 (S01-503)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Botstein *et al.*  
Serial No.: 09/916,849  
Filing Date: July 26, 2001  
Title: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

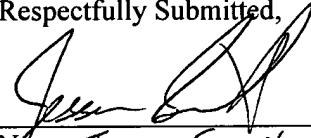
The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Applied Genomics, Inc.

This assertion is made on the ground that Applied Genomics, Inc. is a concern

- (a) whose number of employees, including affiliates, does not exceed 500 persons; and
- (b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 37 CFR §1.27.

Respectfully Submitted,

  
Name: JESSICA SMITH  
Title: VP, BUSINESS DEV  
Date: 2/12/02

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Botstein *et al.*  
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Title: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(3)**  
**NON-PROFIT ORGANIZATION**

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of the Board of Trustees of Leland Stanford Junior University.

This assertion is made on the ground that the Board of Trustees of Leland Stanford Junior University is either:

(X) a university or other institution of higher education located in any country;

( ) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));

( ) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or

( ) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

*Katharine Ku*  
Name: KATHARINE KU  
Title: DIRECTOR

Date: TECHNOLOGY LICENSING  
*January 17, 2002*

PN



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MPS

Box sel

Attorney Docket No.: 2002850-0024 (S01-503)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Botstein, *et al.* Art Unit: 1645  
Serial No: 09/916,849 Examiner:  
Filing Date: July 26, 2001  
Title: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS  
AND METHODS OF USE THEREOF

**BOX MISSING PARTS**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**TRANSMITTAL OF RESPONSE TO THE NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts of Application mailed by the U.S. Patent and Trademark Office on April 16, 2002, enclosed herewith please find the following:

1. Notice to File Missing Parts of Nonprovisional Application (2 pages);
2. Four Executed Declarations (16 pages);
3. Two Executed Written Assertions of Small Entity Status (2 pages);
4. Statement Filed Under 37 CFR 1.821 (1 page);
5. Amendment Introducing Sequence Listing (1 page);
6. Paper Copy of Sequence Listing (23 pages);
7. Computer-Readable Diskette with Sequence Listing;
8. Petition to Accept Color Drawings Under 37 C.F.R. § 1.84;
9. 25 sheets of substitute drawings (Figs. 1-7) including 3 copies each of color Figures 2-1, 2-2, 3, 6, and 7.
10. 5 sheets of photocopied drawings corresponding to color Figures 2-1, 2-2, 3, 6, and 7.
11. Check in the amount of \$65.00;
12. Check in the amount of \$130.00; and
13. Return Postcard

Additionally, please charge any further fees associated with this filing or apply any credits to our Deposit Account No. 03-1721.

Respectfully submitted,

*Monica R. Gerber*

Monica R. Gerber, M.D., Ph.D.  
Reg. No. 46,724

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: June 17, 2002  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 6/17/02



UNITED STATES PATENT AND TRADEMARK OFFICE

BHS / MRG

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/916,849	07/26/2001	David Botstein	2002850-0024 (S01-503)

Monica R. Gerber, M.D., Ph.D.  
Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109

Done By <i>MB</i>	
<input type="checkbox"/> Data Entry	
<input checked="" type="checkbox"/> Docket Entry	<i>6/16/02</i>
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req.	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

CONFIRMATION NO. 9720

## FORMALITIES LETTER



\*OC000000007871119\*

Date Mailed: 04/16/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/26/2002 BABRAHAI 00000060 09916849

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 OP

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8,

2000) and 1238 OG 145 (September 19, 2000).


- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY